IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.113 OF 2005

Tradewell Products Co.P.Ltd. .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.S.N.Kantawala i/by Jerry Lewis for Petitioner.
Mr.R.V.Desai with Mr.A.S.Rao for the Respondents.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 24.02.2005.

P.C.:

1. Rule. Rule is made returnable forthwith. Heard the learned Counsel for the parties. By this Petition, the Petitioner is challenging the order dated 24.2.2004 passed by the CESTAT. The CESTAT has directed a pre-deposit of Rs.1.5 lakhs. It appears that the total demand of duty was Rs.3,03,093/- and the CESTAT has given the clear reasons for arriving at Rs.1.5 lakhs as a pre deposit amount especially when the woolen rags were allowed to be cleared without mutilation. Under these circumstances, we cannot say that the pre-deposit order has been made without any application of mind. We do not find any illegality or perversity in the impugned order. However, the learned Counsel for the Petitioner prays that the Petitioner be granted eight weeks time to deposit the aforesaid amount of Rs.1.5 lakhs pre deposit with the Customs Authorities, so as to enable the CESTAT to restore the Appeals and hear the same on merits.

2. Under these circumstance, we are not inclined to interfere with the impugned order of the CESTAT.

However we direct the Petitioner to deposit the pre deposit amount of Rupees 1.5 lakhs with the Customs Authorities within a period of eight weeks from today. If such a deposit is made by the Petitioner within a period of eight weeks from today, then all the four appeals before the CESTAT shall stand restored and the same be heard by the CESTAT on its own merits, in accordance with law, as expeditiously as possible. Writ Petition stands disposed of in the above terms.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)